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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,965	12/15/2003	Fernando Salazar	LOT920030070US1 (024)	1335

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EXAMINER
TO, BAOQUOC N

ART UNIT	PAPER NUMBER
2162	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/734,965	SALAZAR ET AL.
	Examiner	Art Unit
	BAOQUOC N. TO	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2009*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,5,7-9,12,13,15-17,20,21,23 and 24* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,4,5,9,12,13,17,20 and 21* is/are rejected.
7)☒ Claim(s) *7,8,15,16,23 and 24* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   In response to the Office Action dated on 12/12/2009, applicants amend the

application as follow:

Claims 1, 9 and 17 are amended.

Claims 2-3, 6, 10-11, 14, 18-19 and 22 are canceled.

Claims 1, 4-5, 7-9, 12-13, 15-17, 20-21 and 23-24 are pending in this application.

Response to Arguments

2.   Applicant's arguments filed on 03/12/2009 have been fully considered but they

are not persuasive.

Applicant argues "the independent claim has been amended to clarify the claim is

directed to a data transformation tool of a computer system. Figure 1 of applicant's

disclosure clearly..."

Examiner respectfully disagrees with the applicant's argument. Although the

amendment clarify the data transformation tool of a computer system; however, the tool

is software. And software is not patentable because software is not fallen into four of

the category classes. Software per se is not a series of steps or acts and thus is not a

process. Software per se is not a physical article or object and as such is not a machine

or manufacture. Software per se is not a combination of substances and therefore is not

a composition of matter.

Applicant argues ""learning management system" (LMS) is an application or a Web-based technology used to plan, implement access the learning process..."

Examiner respectfully disagrees with the above argument. Martin also includes a software process to convert the data from one source to a target. Such application is also consider being an application as applicant recited. Secondly, "learning management system" (LMS) cannot be interpreted as Web-based technology because applicant has not claimed this feature as web-based technology.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 17, 20-21 and 23-24 are rejected under 35 U.S.C. 101 because Claim 17 recites a data transformation tools for transforming user information and course information comprising: a data transformation utility adapted to convert the user and course information..., a data matching utility adapted to determine if an existing directory containing object.... and data loading utility adapted to load...which shows data modules to perform the transformation tool. Therefore, the recited transformation tool in claim 17 is program per se or software per se. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made
to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was
made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.   Claims 1, 4-5, 9, 12-13, 17 and 20-21 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Martin et al. (US. Patent No. 6,016,501) in view of Prompt et

al. (US. Patent No. 6,985,905 B2) and further in view of Whitehurst et al. (US. Patent

No. 6,978,115 B2).

Regarding on claim 1, Martin teaches a method of transforming a user
information and course information from a source database in an e-learning model to a
target database in a learning management system, the method comprising:

Converting the user information and course information to a format compatible
with the target database, the converted user information and course information
containing object identification information (if the source database 104A uses a different
database management system than the target database, the transform block may be
required to transform the data to the target database format) (col. 9, lines 35-39); and

Loading the converted into the target database (the transform block may be
required to transform the data to the target database format to enable storage in the
database 104B) (col. 9, lines 36-39).

Martin does not explicitly teaches matching object identifiers with corresponding
object identifiers related to the object identification information contained in the
converted user information and course information if there is an existing directory
containing object identifiers related to the object identification information containing in
the converted user information and course information; and storing the unmatched
object identifiers for manual handling and the user information and the course
information form a source data in an e-learning model to a target data base in a learning
management system. On the other hand, Prompt discloses teaches matching object
identifiers with corresponding object identifiers related to the object identification
information contained in the converted user information and course information if there
is an existing directory containing object identifiers related to the object identification

information containing in the converted user information and course information (as

corresponding to this is contrasted with conventional LDAP directories which require

data to be extracted for the authoritative source of the information and transformed into

a format matching the LDAP schema of the directory...) (col. 16, lines 55-62). This

suggests the concept of matching object of the convert source into the object of LDAP

format and obviously the unmatched have to be manually handled and stored.

Therefore, it would have been obvious to one ordinary skill in the art at the time of the

invention was made to modify martin's system to include the matching the object in the

converted source to the object of the LDAP as disclosed in Prompt in order to allow the

converted data to be merge into the directory which uses for processing.

Claim 9 is a computer-readable storage medium storing a computer program

which when executed performs a method of transforming source data from a source

database to a target database in a data management system the method performs the

step similar to claim 1; therefore, claim 9 is rejected under the same reason as to claim

1.

Claim 17 is a data transformation tool of a computer system for transforming

source data from a source database to a target database in the data management

system, the system perform the step similar to claim 1; therefore, claim 17 is rejected

under the same reason as to claim 1.

Regarding on claim 4, Martin teaches the method of claim 1, further comprising

updating the source database to include the object identifiers contained in the existing

directory if a match is found (col. 5, lines 33-38).

Claim 12 recites the same limitation as to claim 4; therefore, claim 12 is rejected under the same reason as to claim 4.

Claim 20 recites the same limitation as to claim 4; therefore, claim 20 is rejected under the same reason as to claim 4.

Regarding to claim 5, Martin discloses the concept of claim 1, wherein the object identification information and the object identifier relate to names of user of the learning management system (the extracted data source are the user names) (col. 9, line 32).

Claim 13 recites the same limitation as to claim 5; therefore, claim 13 is rejected under the same reason as to claim 5.

Claim 21 recites the same limitation as to claim 5; therefore, claim 21 is rejected under the same reason as to claim 5.

Allowable Subject Matter

6.   Claims 7-8, 15-16 and 23-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Contact Information

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) –273-8300   [Official Communication]

/Baoquoc N To/

Primary Examiner, Art Unit 2162